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3                   UNITED STATES DISTRICT COURT  
4                   DISTRICT OF NEVADA

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6 RONALD EUGENE ALLEN, JR.,

Case No. 3:21-cv-00141-MMD-WGC

7                   Petitioner,

ORDER

8                   v.

9 WILLIAM GITTERE, *et al.*,

10                  Respondents.

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12         In this habeas corpus action, the Court appointed counsel for the petitioner, Ronald  
13 Eugene Allen, Jr. (ECF No. 3.) The Federal Public Defender for the District of Nevada  
14 appeared on Petitioner's behalf on April 22, 2021. (ECF No. 7.) Respondents have also  
15 appeared. (ECF No. 6.) The Court will therefore set a schedule for further proceedings in  
16 this action as follows.

17         Petitioner will have 60 days after entry of this order to pay the \$5 filing fee for this  
18 action, or file a new, complete *in forma pauperis* application.

19         If necessary, Petitioner must file an amended petition for writ of habeas corpus  
20 within 90 days after entry of this Order. The amended petition must specifically state  
21 whether each ground for relief has been exhausted in state court; for each claim that has  
22 been exhausted in state court, the amended petition must state how, when, and where  
23 that occurred. If Petitioner determines that an amended petition need not be filed, then,  
24 within 90 days after entry of this Order, Petitioner must file a notice to that effect.

25         Respondents will have 60 days following the filing of the amended petition to file  
26 an answer or other response to the amended petition. If Petitioner does not file an  
27 amended petition, Respondents will have 60 days following the due date for the amended  
28 petition to file an answer or other response to the original petition.

1 Petitioner will have 45 days following the filing of an answer to file a reply.  
2 Respondents will thereafter have 30 days following the filing of a reply to file a response  
3 to the reply.

4 If Respondents file a motion to dismiss, Petitioner will have 60 days following the  
5 filing of the motion to file a response to the motion. Respondents will thereafter have 30  
6 days following the filing of the response to file a reply.

7 If Petitioner wishes to move for leave to conduct discovery, Petitioner must file  
8 such motion concurrently with, but separate from, the response to Respondents' motion  
9 to dismiss or the reply to Respondents' answer. Any motion for leave to conduct discovery  
10 filed by Petitioner before that time may be considered premature, and may be denied,  
11 without prejudice, on that basis. Respondents must file a response to any such motion  
12 concurrently with, but separate from, their reply in support of their motion to dismiss or  
13 their response to Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply  
14 in support of the motion for leave to conduct discovery.

15 If Petitioner wishes to request an evidentiary hearing, Petitioner must file a motion  
16 for an evidentiary hearing concurrently with, but separate from, the response to  
17 Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for an  
18 evidentiary hearing filed by Petitioner before that time may be considered premature, and  
19 may be denied, without prejudice, on that basis. The motion for an evidentiary hearing  
20 must specifically address why an evidentiary hearing is required and must meet the  
21 requirements of 28 U.S.C. § 2254(e). The motion must state whether an evidentiary  
22 hearing was held in state court, and, if so, state where the transcript is located in the

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1 record. If Petitioner files a motion for an evidentiary hearing, Respondents must file a  
2 response to that motion concurrently with, but separate from, their reply in support of their  
3 motion to dismiss or their response to Petitioner's reply. Thereafter, Petitioner will have  
4 20 days to file a reply in support of the motion for an evidentiary hearing.

5 DATED THIS 23<sup>rd</sup> Day of April 2021.

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8 MIRANDA M. DU  
9 CHIEF UNITED STATES DISTRICT JUDGE  
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